

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	Case No. 2:19-cv-305
	:	
Plaintiff,	:	
	:	JUDGE WATSON
v.	:	Magistrate Judge Vascura
	:	
ONE HUNDRED THIRTY THOUSAND	:	
AND 00/100 DOLLARS (\$130,000.00) IN	:	
UNITED STATES CURRENCY, et al.,	:	
	:	
Defendants.	:	

RULE 26(f) REPORT

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held and was attended by:

Deborah D. Grimes, counsel for Plaintiff United States of America

Jason A. Ronis and Stephanie F. Kessler, counsel for Claimant Fuad Omer

Terry H. Gilbert, counsel for Claimant Bilal Abdulkadir.

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. CONSENT TO MAGISTRATE JUDGE

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

X Yes No

2. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

 Yes No X The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by _____.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

Yes No

If yes, describe the issue:

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by

_____.

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by 9/13/2019.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by n/a.

5. MOTIONS

- a. Are there any pending motion(s)?

Yes No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

- b. Are the parties requesting expedited briefing on the pending motion(s)?

Yes No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

6. ISSUES

Jointly provide a brief description of the case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

On or about September 11, 2019, the Drug Enforcement Administration seized the defendants. As detailed in the Complaint, the United States alleges that the defendants are subject to forfeiture to the United States under 21 U.S.C. § 881(a)(6) because they represent property furnished or intended to be furnished in exchange for a controlled substance, represent proceeds

traceable to such an exchange, or were used or intended to be used to facilitate any violation of 21 U.S.C. § 841, or a conspiracy to commit such offense in violation of 21 U.S.C. § 846. The claimants have each filed Answers to the Complaint in which they generally deny the allegations set forth in the Complaint.

Both claimants have made a jury demand.

7. **DISCOVERY PROCEDURES**

- a. The parties agree that all discovery shall be completed by 4/3/2020. The parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court.
- b. Do the parties anticipate the production of ESI? X Yes _____ No

If yes, describe the protocol for such production:

The parties have discussed the protocol for ESI production and are working toward reaching an agreement on production specifications. Should a dispute arise regarding the disclosure or production of ESI, the parties agree to discuss changes to any agreement before seeking a conference with the Court.

- c. Do the parties intend to seek a protective order or clawback agreement? Not at this time. If the parties encounter documents that implicate the Privacy Act, they will seek a protective order at that time. The parties agree that if any party determines that protected material was disclosed, they may provide notice to the other parties of such disclosure, and if the parties agree that the material is protected, the material will be returned to the disclosing party and no privilege is waived. If the parties disagree about whether the material is protected, they agree to contact the Court to seek an informal discovery conference to resolve the dispute. The parties also agree that if any inadvertent disclosure of protected materials occurs, they will return the material upon notice and that any privilege is not waived by an inadvertent disclosure.

8. **DISPOSITIVE MOTIONS**

- a. Any dispositive motions shall be filed by 7/1/2020.
- b. Are the parties requesting expedited briefing on dispositive motions?

_____ Yes X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

9. **EXPERT TESTIMONY**

- a. Primary expert reports must be produced by 5/1/2020.
- b. Rebuttal expert reports must be produced by 5/29/2020.

10. **SETTLEMENT**

Plaintiff(s) will make a settlement demand by 6/1/2020. Defendant will respond by 6/8/2020. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference during this Court's settlement week. The parties request the following week:

March 20____; X June 2020; September 20____; December 20____

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the beginning of settlement week. The parties understand that they will be expected to comply fully with the settlement week orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. **RULE 16 PRETRIAL CONFERENCE**

Do the parties request a scheduling conference?

____ Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place_____ in chambers _____ by telephone.

X No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

Should this case proceed to trial, counsel for the claimants anticipate that they will file motions to sever their claims.

Signatures:

s/ Deborah D. Grimes
DEBORAH D. GRIMES (0078698)
Assistant United States Attorney
Attorney for Plaintiff

s/ Stephanie F. Kessler
STEPHANIE F. KESSLER (0092338)
Attorney for Claimant Fuad Omer

s/ Jason A. Ronis
JASON A. RONIS (CA 229628)
Attorney for Claimant Fuad Omer

s/ Terry H. Gilbert
TERRY H. GILBERT (0021948)
Attorney for Claimant Bilal Abdulkadir